

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANAHER CORPORATION,

Plaintiff,

vs.

THE TRAVELERS INDEMNITY
COMPANY, et al.,

Defendants.

Case No. 10-CIV 0121 (JPO) (JCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned, attorneys for Third-Party Defendant and Counter-Plaintiff Atlas Copco North America, LLC ("Atlas Copco") as successor to Chicago Pneumatic Tool Company, shall move before the Honorable James C. Francis, U.S. Magistrate Judge., at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order Directing Defendant and Third-Party Plaintiff Travelers Indemnity Company and Travelers Casualty & Surety Company, f/k/a The Aetna Casualty & Surety Company To Reimburse Atlas Copco North America Inc. for Its Fees and Costs Incurred To Defend This Declaratory Judgment Action Brought Against Atlas Copco by Travelers.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Atlas Copco shall rely on the Memorandum of Law and Certification of Paul E. Breene (with exhibits) filed simultaneously herewith.

PLEASE TAKE FURTHER NOTICE that Atlas Copco respectfully requests oral argument.

Dated: August 1, 2014

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